

**U.S. DISTRICT COURT FOR WESTERN DISTRICT
OF PENNSYLVANIA**

WARREN DURHAM, JR.,

CIVIL ACTION

Plaintiff,

No.: 04-297E

-vs-

Judge Sean J. McLaughlin/Magistrate Judge
Susan Paradise Baxter

CITY OF ERIE, PENNSYLVANIA,
COUNTY OF ERIE, PENNSYLVANIA,
CHRISTOPHER McELYNN, BRUCE
TACKETT, JAMES WASHBURN,
PATRICK DURKIN, and FRED P.
ANTHONY,

Defendants.

**DEFENDANT, PATRICK DURKIN'S
RESPONSE TO PLAINTIFF'S REQUEST FOR ADMISSIONS**

AND NOW come the Defendant, Patrick Durkin, by and through his counsel,
Law Office of Joseph S. Weimer and Edmond R. Joyal, Jr., Esquire, and submits the following
Response to Plaintiff's Request for Admissions as follows:

1. That you were a police officer with the City of Erie, and participated in the search
of Plaintiff's house on or about January 29, 1996.

_____ TRUE

_____ X _____ FALSE

It is this Defendant's belief that it was January 23, 1996.



2. That you personally had in your possession or observed in another police officer's possession a search warrant for Plaintiff's house on or about January 29, 1996.

_____ TRUE X FALSE

It is this Defendant's belief that it was January 23, 1996.

3. That a search warrant must detail in particular the place to be searched.

 X TRUE _____ FALSE

4. That as a police officer you obey state and federal laws.

 X TRUE _____ FALSE

5. That Plaintiff's constitutional right against the illegal search of his home, without a valid search warrant would be violated unless one of the exceptions applied.

 X TRUE _____ FALSE

6. That you violated Plaintiff's constitutional right when searching upstairs in his house.

_____ TRUE X FALSE

7. That you wore gloves while searching upstairs in Plaintiff's home.

_____ TRUE X FALSE

8. That you secured the search warrant and affidavit of probable cause for the home of the Plaintiff.

_____ TRUE X FALSE

9. That you have conducted unconstitutional searches of other private residences in violation of the Fourth Amendment.

_____ TRUE X FALSE

LAW OFFICE OF JOSEPH S. WEIMER

BY: 

Edmond R. Joyal, Jr., Esquire
Pa. I.D. #65907

Attorney for Defendants,
James Washburn and Patrick Durkin
975 Two Chatham Center
Pittsburgh, PA 15219
(412) 338-3184

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DEFENDANT, PATRICK DURKIN'S RESPONSE TO PLAINTIFF'S REQUEST FOR ADMISSIONS has been served by First Class Mail, postage pre-paid, upon the following parties on this 22nd day of June, 2006.

Warren Durham, Jr.
12119 Matherson Avenue
Cleveland, OH 44135
(Pro Se Plaintiff)

Kemal Alexander Mericli
Office of the Attorney General
Civil Litigation Section
564 Forbes Avenue
6th Floor, Manor Complex
Pittsburgh, PA 15219
(Counsel for Defendant, Bruce Tackett)

A. Taylor Williams, Esquire
Administrative Office of Pennsylvania Courts
1515 Market Street, Suite 1414
Philadelphia, PA 19102
(Counsel for Defendant, Judge Fred P. Anthony)

LAW OFFICE OF JOSEPH S. WEIMER

BY: 

Edmond R. Joyal, Jr., Esquire
Pa. I.D. #65987
Attorney for Defendants,
James Washburn and Patrick Durkin
975 Two Chatham Center
Pittsburgh, PA 15219
(412) 338-3184